

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

REAL GOOD TECHNOLOGIES, LLC,)	CASE NO. 1:17 CV 149
)	
Petitioner,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
VICTORY SOLUTIONS, LLC,)	Magistrate Judge Thomas M. Parker
)	
Respondent.)	<u>ORDER</u>

This matter is before the Court upon the Report and Recommendation of Magistrate Judge Thomas M. Parker. (Document #99.) On September 11, 2017, Petitioner, Real Good Technologies, LLC, filed a Praeclipe for Issuance of Writ of Execution. (Docket #98.) The Magistrate Judge recommends that a Writ of Execution be granted, commanding that "the goods and chattels, lands and tenements" belonging to Respondent, Victory Solutions, LLC, "cause to be made and levied as well as a certain debt of \$215,000" including interest.

No objections to the Report and Recommendation were filed.

Standard of Review for a Magistrate Judge's Report and Recommendation

The applicable standard of review for a magistrate judge's report and recommendation depends upon whether objections were made to that report. When objections are made to a report and recommendation of a magistrate judge, the district court reviews the case de novo.

FED. R. CIV. P. 72(b) states:

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

The text of Rule 72(b) addresses only the review of reports to which objections have been made; it does not indicate the appropriate standard of review for those reports to which no objections have been properly made. The Advisory Committee on Civil Rules commented on a district court's review of *unopposed* reports by magistrate judges. In regard to subsection (b) of Rule 72, the advisory committee stated: "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72 advisory committee's notes (citation omitted).

The U.S. Supreme Court stated in *Thomas v. Arn*, 474 U.S. 140, 150 (1985): "It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."

Conclusion

This Court has reviewed the Magistrate Judge's Report and Recommendation and, after careful evaluation of the record, the Court hereby ADOPTS the Report and Recommendation (Docket #99) in its entirety. The Writ of Execution will be issued contemporaneously herewith.

IT IS SO ORDERED.



DONALD C. NUGENT
United States District Judge

DATED: November 2, 2017